

Ethical Issues & Governance in Organ Transplantation in China

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Issues Surrounding Procuring & Distributing Organs

- **Although the shortage is a problem worldwide , it is extremely a key problem in China**
- **The main reasons might be:**
 - **demand far exceeds supply with the technique progress greatly;**
 - **There is deficiency of Current/existed policy of organ transplantation**
 - **limited by tradition conception**
 - **Absence of the legislation of Brain death**

Deficiency of Current policy for organ donation

- **“voluntary ism’: let alone / do as oneself pleases**
 - **There is no any social system to support /encourage these donation**
 - **It became the passive to wait for the donation**

Regulation

Regulation on Clinical application of Human organ transplantation (1 July ,2006, MoH)

- **Established national expert committee with the mission :**
 - to organise the specialists for drafting the technology criteria on Clinical application of Human organ transplantation;
 - to review the plan submitted by provincial health authorities
- **Established the strict licensing system**
- **Norms for Clinical practice/application**
 - The organs come from a reliable and legal source.
 - Establish ethical committee in the hospitals
 - Informed consent
 - Forbidden organ commercialization
 - Monitoring system and etc.

- **This is the first regulation on organ transplantation in China**
- **But it has no any substantial stipulation to Procuring & Distributing Organs, so it can not help much to solve the problem of organ shortage**

The impact of traditional conception

- **it emphasized the integrity of the body even after death.**
- **Case Miss.Lin in China:**

Miss. Lin, 20 years old, was suffering the kidney failure while her father die an car accident death. The family was told the father's kidney will be available for the daughter. Even so this is still very difficult for the family to make the decision.

Absence of the legislation of Brain death

- **Not only lacking for legislation about Brain Death but also lacking for sufficient public discussion about it in China.**

Legislation: Brain Death

- **Legislating of Brain Death is necessary**
 - **Scientific aspect: more precise criteria of Death**
 - **It could make it much clearer when the doctor have to make decision of death**
- **However, Brain Death law will promote organ transplantation practically. However, promoting is not the motive of Brain Death registration.**
- **I do disagree the practice in China that the physician who determines and/or certifies the death of a potential organ donor are involved in the organ removal or in subsequent transplantation procedures or responsible for the care of potential recipients of these organs. In order to avoid a conflict of interest, the physician should not be involved in this procedure. □ media case □**

The suggestion

- **reform the framework of organ transplantation**
 - **Government should take the much more responsibility for the governance**
 - **To establish the social supportive system to organ donation, to encourage this altruistic motives, to make it convenient, to establish societal gratuity system- give the compensation to them and so on.**
 - **justice: not only Distributive justice, Procedural justice but also Compensatory justice** □

The governance progress

Not everything can be organized by the government, but prudent health policy will be very important to support the good medical practice of organ transplantation. The government should take the responsibility for the improvement of the policy and governance

- Established the national committee of organ transplantation with the member of medical specialist and also bioethicists in 2005.
- Meetings were held by the national committee to discuss both techniques and ethical criteria
- Promulgated the first regulation on clinical application of human organ transplantation in 2006.

The governance progress

- **MOH organized the first national summit meeting on clinical application and governance of transplantation technique on 12-14 Nov. 2006 in Guangzhou.**
 - The participants were all members of national committee of organ transplantation, almost all specialists from all over the country in this field; from the all governance section.
 - The vice Minister of MOH Huang chaired the meeting
 - The officials and specialists from TTS attended and observed the meeting
 - Statement on Human Organ Transplantation was composed at that meeting and issued on 14 Nov.2006
- **It is a landmark for the development of organ transplantation in China.(comments outside)**

The Governance Progress

- **National Council has drafted the law on organ translation**
- **comments/ advices is being sought from medical field / CMA, and also from the field of social sciences.**
- **The Ethical Guidelines on Human Organ Transplantation is drafting by CMA**

Legislation: Brain Death

- MOH has drafted the technique criterion for diagnoses of Brain Death, regulation on governance and application for the criterion.
- However , the Brain Death Law has to be made by The People's Congress of China which is the different legislative level with the Organ Transplantation Law.
- Anyway, every kind issues in organ transplantation are far beyond the sufficient discussed. *There are heavy responsibilities on our shoulders!*

*Thank you very much
for your patience* □